

REMARKS

Claims 27-28 and 38-56 currently remain in the application. Claims 1-26 and 29-37 have been cancelled without prejudice to further prosecution in a related application for the purposes of expediting prosecution in regards to one aspect of the present invention. Claims 38-56 have been added.

Interview Summary

The applicant respectfully thanks the Examiner for the time spent during the personal interview on April 8th, 2005. During the interview, the prior art references of Vuong, and Ng and proposed amendments were discussed.

Rejections under 35 U.S.C. § 103(a)

The examiner rejected claims 1-9, 11-23 and 25-32 and 33-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuong et al., U.S Patent 5,762, 552 in view of Ng. The Examiner stated that the rejection contained in the previous office action is maintained and incorporated herein.

In the previous office action of June 3, 2004, which Examiner has incorporated, the Examiner did not discuss the patentability of claims 27 and 28. Therefore, Applicant can't traverse Examiner's rejection of these claims in light of the prior art. Nevertheless, for the sake of expediting prosecution Applicant will attempt to clarify Applicant's interpretation of the prior art as compared to the Examiner's and the further distinguish the present invention from the combination cited by the Examiner.

Examiner states Vuong discloses a wagering type of game but does not disclose that the information downloaded is software. Examiner states that Ng teaches that the website can download upgrades or modify the preprogrammed game. This is downloading software. Applicant believes that it is not clear that what is downloaded in Ng is executable software. The upgrades or modifications may simply be information used by software already residing on the preprogrammed EEPROM of the device in Ng. Applicant believes the information downloaded is likely only information used by software resident on the EEPROM because reprogramming software on an EEPROM (electrically erasable-PROM) is a difficult and slow task that requires special hardware and not something likely to be performed on an inexpensive and handheld device meant for young adults. Further, Ng does not appear to explicitly discuss reprogramming of the

executable software on the EEPROM using the specialized hardware required to electrically erase the memory on the EEPROM.

In Ng, the PC acts as an intermediary link between the web-site and the hand-held gaming apparatus and is required for communications with the web-site. In Col. 3, lines 33-45, and in Col. 8, lines 30-44, it states the software allows communications between the game 21 and the web-site using cable 26. It is separate from the software on the gaming device used to provide the game because of the memory limitations of the hand-held gaming device. Thus, the hand-held gaming device in Ng is not capable on its own of communicating what is termed "upgrades or modifications" by Ng to another hand-held gaming device.

In the present invention, the source of the executable game software and the receiver of the executable game software are both gaming machines that are adapted for receiving wagers on games played on the gaming machine and displaying the outcomes of these games on a display coupled to a housing of the gaming machine. In Ng, the source of "upgrades or modifications" is not another gaming machine but a central web-site that many other hand-held devices may log into and receive modifications from via a PC. It is not mentioned in Ng if a display at the location of the web-site is used to provide a presentation of games but clearly the web-site is not another hand-held device that provides games. Further, the hand-held devices in Ng, due to their limited memory capabilities, are even not capable providing "upgrades or modifications" to one another. Communication of "upgrades or modifications" of executable software between two hand-held devices is not described in Ng.

Thus, Ng can't be said to teach or suggest modifying one of the gaming machines in Vuong to send executable game software to another gaming machine in Vuong. At best, even if it can be said that Ng teaches downloading executable software to the hand-held device, which applicant believes it does not teach, then the combination of Vuong and Ng would only suggest downloading executable software from a central site (e.g., a server at a web-site) to a gaming machine but not from one gaming machine to another gaming machine as the pending claims recite. Therefore, for at least these reasons, the combination of Vuong and Ng, can't be said to render obvious the remaining claims.

The examiner rejected claims 29-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuong et al., U.S Patent 5,762, 552 in view of Ng in further view of Olsen.

Examiner has admitted combination of Vuong and Olsen does not teach the limitations of the present invention. As described above, Ng does not teach or suggest downloading game software for a wagering-type game of chance between a first gaming machine and a second gaming machine. Examiner has stated the combination of Vuong and Olsen does not teach this

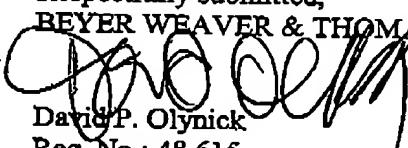
limitation. Therefore, for at least the reasons described above, the combination of Vuong, Ng and Olsen can't be said to render obvious the remaining claims.

The examiner rejected claims 10, 14 and 24 under 35 U.S.C. § 103(a), as being unpatentable over Vuong, et al., in view of Ng and in further View of Weiss (U.S. Patent no. 5, 611, 730).

Weiss does not describe game downloading. The combination of Vuong and Ng as described above does not teach or suggest game downloading as recited in the remaining claims. Thus, the combination of Vuong, Ng and Weiss does not teach or suggest game downloading as recited in the remaining claims and can't be said to render obvious said claims.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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